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DAVIS JOINT UNIFIED SCHOOL DISTRICT et al.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALEX G., a minor, by and through DR.  
STEVEN G., his Guardian Ad Litem et al.,

Plaintiffs,

v.

BOARD OF TRUSTEES OF DAVIS JOINT  
UNIFIED SCHOOL DISTRICT et al.,

Defendants.

CASE NO. CIV S 03-2258 DFL DAD

**STIPULATION TO BRIEFING  
SCHEDULE FOR PLAINTIFF'S  
REMAINING IDEA CLAIM; PROPOSED  
ORDER**

Trial Date: January 9, 2005  
Time: 8:30 a.m.  
Courtroom: Room 7, 14th Floor  
Judge: Hon. David F. Levi

IT IS HEREBY STIPULATED by and between the Plaintiff Alex G. ("Alex"), by and through his father, Dr. Steven G., his Guardian Ad Litem, through his attorneys, Varma & Clancy by Bob N. Varma, Esq. and Defendant Davis Joint Unified School District ("District"), through its attorneys, Lozano Smith by Jan E. Tomsy, Esq., as to the following:

- Currently, the last day for Alex and the District to file their joint pretrial statement is November 11, 2005, Alex's and the District's pretrial conference is scheduled for November 18, 2005 at 2:00 p.m., and the last day for Alex and the District to serve opening trial briefs is December 22, 2005.
- As a result of the Court's Memorandum of Opinion and Order of August 19, 2005, Alex's only remaining claim in this action is his IDEA claim against the District, appealing the Special Education Hearing Office's ("SEHO") decision rendered on or about July 31, 2003.

3. Because only Alex's IDEA claim remains, that claim is based on the review of SEHO's due process decision below, and no live testimony is required by either party, the parties stipulate to a briefing schedule where: 1) Alex will file an Opening Brief by November 25, 2005; 2) the District will file its Opposition to said Opening Brief by December 23, 2005; and 3) Alex will file his Reply to said Opposition by December 30, 2005.

4. The parties agree that the Court's scheduled deadline for filing a joint pretrial statement and the scheduled pretrial conference should be vacated.

5. The parties agree that the Court's scheduled trial date of January 9, 2006, should remain on calendar. However, the parties agree that the expected time of trial will no longer be two to three days. Rather, the parties agree that the scheduled trial date should serve as a date to conduct oral arguments before the Court based on the submitted briefing.

Dated: October 6, 2005

Respectfully submitted,

VARMA & CLANCY

/s/ Bob N. Varma  
BOB N. VARMA  
Attorneys for Plaintiff  
ALEX G.

Dated: October 7, 2005

Respectfully submitted,

LOZANO SMITH

/s/ Jan E. Tomsy  
JAN E. TOMSKY  
Attorneys for Defendant  
DAVIS JOINT UNIFIED SCHOOL  
DISTRICT

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that the parties will submit to the following briefing schedule for the Plaintiff's remaining claim in this action, his IDEA appeal: 1) Plaintiff Alex G. will file an opening brief by November 25, 2005; 2) Defendant Davis Joint Unified School District will file an opposition to said opening brief by December 23, 2005; and 3) Plaintiff Alex G. will file a reply to the said opposition by December 30, 2005. The parties will conduct oral argument based on the submitted briefing on January 9, 2006 at 8:30 a.m.

DATED: October 19, 2005

/s/ David F. Levi  
Honorable David F. Levi  
Chief Judge  
United States District Court

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